

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Cause Nos. 1:12-cr-23-SEB-DML-3
v.	)	1:13-cr-31-SEB-TAB
	)	
PETER TRUONG,	)	
	)	
Defendant.	)	

**GOVERNMENT’S RESPONSE TO DEFENDANT’S RENEWED MOTION TO  
AMEND JUDGMENT [1:12-CR-23-SEB-DML-3, DKT. 206] AND NOTICE TO  
THE COURT IN REGARD TO DEFENDANT’S COURT RECORDS**

Comes now the United States of America, by counsel, Josh J. Minkler, United States Attorney for the Southern District of Indiana, and Steven D. DeBrotta, Deputy Chief, General Crimes Unit, hereby files its response to Defendant’s Renewed Motion to Amend Judgment filed May 28, 2019, under Cause Number 1:12-cr-23-SEB-DML-3 as Dkt. 206, and notice to the Court in regard to the Defendant’s Court Records as to Cause Numbers 1:12-cr-23-SEB-SEB-DML-3 and 1:13-cr-31-SEB-TAB.

**Response to Defendant’s Renewed Motion to Amend Judgment  
[1:12-cr-23-SEB-DML-3, Dkt. 206]**

Defendant filed a Renewed Motion to Amend Judgment on May 28, 2019, under Cause Number 1:12-cr-23-SEB-DML-3, as Dkt. 206, whereby he erroneously claimed that the Court has taken no action on his previous Motion to Amend Judgment filed on November 26, 2018, (Dkt. 203), and moved the

Court to rule on the motion or order the government to file a response to said motion. In his original motion (Dkt. 203), Defendant requested the Judgment be Amended due to a clerical error as to the nature of his offense. On March 19, 2019, the Court issued an Amended Judgment (Dkt. 205), correcting a sentence for the clerical mistake as to the Nature of Offense from “Sexual Exploitation of a Minor” (see original Judgment, Dkt. 159) to “Conspiracy to Sexually Exploit a Minor”. This was the only amendment to the Judgment and the Amended Judgment was sent electronically to the registered parties of the record. Therefore, based on the foregoing, the Defendant’s Renewed Motion to Amend Judgment (Dkt. 206), is moot.

**Notice to the Court in Regard to Defendant’s Court Records**  
**[1:12-cr-23-SEB-DML-3 and 1:13-cr-31-SEB-TAB]**

The Defendant’s Plea Agreement filed February 7, 2013, as Dkt. 104 in Cause No. 1:12-cr-23-SEB-DML-3, and as Dkt. 7 in Cause No. 1:13-cr-SEB-TAB, whereby Defendant plead guilty to Count 1 of the Indictment filed in Cause No. 1:12-cr-23-SEB-DML-3, Conspiracy to Sexually Exploit a Minor, in violation of 18 U.S.C. § 2251(a) and (e), and to Count 1 of the Information filed in Cause No. 1:13-cr-321-SEB-TAB, Conspiracy to Possess Child Pornography, in violation of 18 U.S.C. §§ 2251(a)(4)(B) and (b)(2).

A Sentencing Hearing was held on December 9, 2013, during which the Defendant was advised of his rights and possible penalties, the parties were heard, and a sentence was imposed, per the Minute Entry (Dkt. 158 of 1:12-cr-23-SEB-DML-3 and Dkt. 28 of 1:13-cr-31-SEB-TAB) and Transcript (Dkt. 32 of

1:13-cr-31-SEB-TAB) of the Sentencing Hearing. Per the Judgment (Dkt. 159)<sup>1</sup> The sentence imposed in 1:12-cr-23-SEB-DML-3 for the offense of [Conspiracy to] Sexually Exploit a minor was imprisonment of 360 months to be served concurrently with the sentence imposed in 1:13-cr-31-SEB-TAB. The sentence imposed in 1:13-cr-31-SEB-TAB for the offense of Conspiracy to Possess Child Pornography was imprisonment of 120 months to be served concurrently with the sentence imposed in 1:12-cr-23-SEB-TAB (see Judgment, Dkt. 29).

Defendant subsequently filed, pro se, a Motion to Amend Judgment in 1:12-cr-23-SEB-DML-3 (Dkt. 203) on November 26, 2018; and the Court issued its Amended Judgment (Dkt. 205) on March 19, 2019. Copies of the Amended Judgment were electronically delivered to parties of record, specifically the Defendant's counsel, Angelyn Gates. However, upon the Defendant's filing of his Motion to Amend Judgment (Dkt. 203), he also filed, pro se, a letter dated November 21, 2018, indicating that Angelyn Gates no longer represented him (Dkt. 204).

As of the date of this pleading, there has not been any motion or order withdrawing Angelyn Gates as the Defendant's counsel. It would appear Defendant did not receive a copy or other notification of the Amended Judgment (Dkt. 205), which would explain the Defendant's Renewed Motion to Amend Judgment (Dkt. 206), filed pro se on May 28, 2019. Said motion appears on the docket as "Renewed MOTION to Amend [205] Judgment (Amended) by PETER

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<sup>1</sup> Judgment in 1:12-cr-23-SEB-DML-3 was amended on March 19, 2019, to correct a clerical error (see Amended Judgment, Dkt. 205) following Defendant's Motion to Amend Judgment (Dkt. 203).

TRUONG". The Government seeks to clarify that the Defendant's Renewed Motion to Amend Judgment (Dkt. 206) is a secondary request to his original Motion to Amend Judgment (Dkt. 203) based on being ignorant to the fact that the Amended Judgment (Dkt. 205) had been previously issued, and not a motion to further amend the Amended Judgment (Dkt. 205).

Respectfully submitted,

JOSH M. MINKLER  
United States Attorney

By: /s/ Steven D. DeBrot  
Steven D. DeBrot  
Deputy Chief, General Crimes Unit

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2019, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system and a copy emailed to the court reporter. Parties may access this filing through the Court's system.

By: /s/ Steven D. DeBrot  
Steven D. DeBrot  
Deputy Chief, General Crimes Unit